

CITY OF VANCOUVERREGULAR COUNCIL MEETING

A regular meeting of the Council of the City of Vancouver was held on Tuesday, September 18, 1979, in the Council Chamber commencing at approximately 2:00 p.m.

PRESENT: Mayor Volrich
Aldermen Bellamy, Boyce, Ford, Gerard,
Harcourt, Kennedy, Little,
Marzari, Puil and Rankin

CLERK TO THE COUNCIL: R. Henry

PRAYER

The proceedings in the Council Chamber were opened with prayer, offered by the Civic Chaplain, Major H. Tilley, of the Salvation Army.

'IN CAMERA' MEETING

The Council was advised there were matters to be considered 'In Camera' later this day.

ADOPTION OF MINUTES

MOVED by Ald. Bellamy,
SECONDED by Ald. Rankin,

THAT the Minutes of the following meetings be adopted:

Regular Council (except 'In Camera' portion)	- September 11, 1979
Special Council (Court of Revision)	- September 11, 1979

COMMITTEE OF THE WHOLE

MOVED by Ald. Bellamy,
SECONDED by Ald. Ford,

THAT this Council resolve itself into Committee of the Whole,
Mayor Volrich in the Chair.

- CARRIED UNANIMOUSLY

DELEGATIONS1. Self-Serve Gasoline Stations

Council on May 15, 1979 deferred for 60 days an application of Southland Corporation (Canada) Limited to operate a self-serve gasoline station under the 7-Eleven brand at 4064 Fraser Street pending a survey of all licensed self-serve stations in the City by owner, operator and brand name; of the 15 approved self-serve locations not currently being utilized to determine which of these may or may not be reactivated; and including a consequent listing of options with recommendations on the allowable portion of self-serve stations by owner, operator or brand name and for the City at large.

At the same meeting Council instructed the Director of Planning to report to the Transportation Committee at which time representatives of the oil companies be present to discuss gasoline retailing with the Committee.

The Transportation Committee subsequently met with oil company representatives and other interested parties on August 30, 1979 when the City Manager's report of July 31, 1979 embodying the points raised by Council was considered. Council on September 11, 1979 deferred consideration of the report of the Standing Committee on Transportation dated August 30, 1979 on self-serve gasoline stations to permit the hearing of delegations at a future meeting.

Before Council this day was the Report of the Standing Committee on Transportation dated August 30, 1979 on self-serve gasoline stations in which the Committee recommended that the number of self-serve gasoline stations operating in the City of Vancouver be limited to the specific sites approved and operating presently listed in Schedule 'B' of By-law No. 4450.

Also before Council was the City Manager's report dated April 17, 1979 on the application by the Southland Corporation (Canada) Limited to operate a self-serve gasoline station under the 7-Eleven brand at 4064 Fraser. The City Clerk had advised Council that should it approve the recommendation of the Standing Committee on Transportation, it would not be in a position to grant the Southland Corporation's application to operate a self-serve at 4064 Fraser Street.

Council had representations from the following:

Mr. Terry Cashin, Southland Corporation (Canada) Limited, addressed Council and read from a circulated brief in which the Council was requested to consider the application apart from the larger and growing question of the overall gasoline outlet by-law.

Mr. W.R. Wills, Automotive Retailers Association, read from a previously circulated brief in which the Association reiterated it is not opposed to self-serve per se but it does object to unlimited proliferation of these outlets when they are -

- (a) oil company operated, and
- (b) when they cause closure of four conventional lessee operated stations for each self-serve created.

The Association supports the recommendation of the Standing Committee on Transportation and urged Council to approve it.

Mr. F.G. Moore, Chevron Oil Limited, read from a circulated brief putting forth reasons for the Company's request that Council repeal that section of By-law No. 4450 pertaining to self-serve stations for a trial period of one year for further review at that time and permission be granted to transfer self-serve licenses in the meantime. Mr. Moore also answered questions from the Members of Council.

DELEGATIONS (Cont'd)Self-Serve Gasoline Stations (cont'd)

Mr. K. Porter, Imperial Oil Limited, read from a previously circulated brief in which various elements affecting gasoline retailing were discussed. The brief stated that self-serve gasoline stations had not been totally responsible for the demise of service provided by the service station industry and recommended that Council not approve the recommendation of the Standing Committee on Transportation.

Mr. C.O. Naftel, Texaco Canada Limited, read from a circulated brief in which the company also reviewed the various factors affecting gasoline retailing and recommended that Council approve option (3) of the City Manager's report dated July 31, 1979 on this matter which suggests that Council eliminate the present license by-law controls on the number, percentage and location of self-serve stations for one year, following which the Director of Planning report to Council on the result of monitoring the operation for one year, including a study of vacated gasoline station sites and a proposed amendment to By-law No. 4450. Mr. Naftel also took issue with the Texaco sites listed on Appendix 'B' and requested the appendix be amended to properly reflect the company's position.

Mr. D.S. Bruce, operator of a gasoline service station in the City, addressed Council and reiterated the comments made by him at the Standing Committee on Transportation meeting and urged that present regulations remain unchanged.

Mr. R.E. Scott, Gulf Canada Ltd., also spoke in support of the other oil companies in this matter.

MOVED by Ald. Bellamy,

THAT the recommendation of the Committee as contained in its report dated August 30, 1979 be approved.

- CARRIED UNANIMOUSLY

MOVED by Ald. Ford,

THAT the limitation on the number of self-serve gasoline stations in the City not apply to those stations where full service pumps are available whenever the station is in operation.

(referred)

MOVED by Ald. Harcourt,

THAT the above motion be referred to the Transportation Committee for consideration of its implications.

- CARRIED UNANIMOUSLY

In view of Council's approval of the recommendation of the Standing Committee on Transportation, as contained in its report dated August 30, 1979, no action was taken to approve the application by the Southland Corporation (Canada) Limited.

(Alderman Harcourt left the meeting at this point)

cont'd.....

DELEGATIONS (Cont'd)

2. "Show Cause" - Traveller's Hotel

On September 11, 1979, at the request of Mr. S. Setynski, operator of the Traveller's Hotel, Council deferred the 'Show Cause' hearing of this hotel to today's meeting.

Before Council was a police report dated September 7, 1979 giving an up-to-date report on the operation of the Traveller's Hotel beer parlour.

Mr. Wood, Counsel for Mr. Setynski, addressed Council and submitted a summary of a meeting between representatives of the Vancouver Police Department and the Traveller's Hotel on September 17, 1979. This meeting was held to candidly discuss the police perspective on the problems in the beer parlour, as well as possible means of dealing with these problems. The outcome of the meeting was that the following would be immediately implemented by the owner:

1. The floor manager has been replaced.

The beat officer (Cpl. Randhawa) reacted favourably to the proposed replacement and indicated that he has a "good attitude".

2. The owner is to become more actively involved in the operation of the parlour during the evening "problem" times.

3. A one-way use is to be implemented with respect to the rear door. This will be combined with a posted door-man during problem times. This was suggested by Sgt. Cox as a method of dealing with the back stairs marijuana problem which he has proven successful in other similar situations.

4. Stricter "banning" enforcement is to be effected by management.

5. The police will provide the owner with a feedback of information on continuing or future problem areas, including the staff. The beat men will be instructed to bring all problems to the immediate attention of the floor manager.

Inspector Grierson, Vancouver Police Department, advised Council that he agrees with the statement made in the summary submitted to Council this day.

MOVED by Ald. Rankin,

THAT the "Show Cause" hearing on the beer parlour of the Traveller's Hotel at 57 West Cordova Street be deferred for one month, at which time the Police Department and the Director of Permits and Licenses report on whether the proposed means of resolving the management problem has effected the desired result.

- LOST (Tie Vote)

(Ald. Boyce, Ford, Gerard, Kennedy and Puil opposed)

MOVED by Ald. Little,

THAT the "Show Cause" hearing on the beer parlour of the Traveller's Hotel at 57 West Cordova Street be deferred for two weeks.

- LOST

(Ald. Bellamy, Boyce, Ford, Gerard, Puil,
Rankin and the Mayor opposed)

Cont'd.....

DELEGATIONS (Cont'd)

"Show Cause" - Traveller's Hotel (cont'd)

Following further consideration, it was

MOVED by Ald. Puil,

THAT the "Show Cause" hearing on the beer parlour of the Traveller's Hotel, at 57 West Cordova Street, be deferred for four weeks, at which time there be a further report to Council from the Police Department and the Director of Permits and Licenses on the management of this beer parlour.

- CARRIED

(Ald. Boyce, Ford and Kennedy opposed)

3. Illegal Roadside Vending - City Streets

Council on July 24, 1979, having considered a report from the Standing Committee on Transportation dated June 28, 1979 on this matter and hearing representation from a vendor requesting less stringent enforcement of illegal roadside vending, approved the Committee's recommendations providing for a concentrated enforcement program. Subsequently Council passed a By-law, amending the Street and Traffic By-law, to enable the City Engineer to seize and dispose of perishable produce and other chattels removed from the City streets.

Before Council this day was the Transportation Committee's report dated June 28, 1979 on this matter and a copy of the advertisement which appeared in the Vancouver Sun on September 4, 1979, advising that, in compliance with the By-law, all illegal roadside vending must cease operation and all merchandise and equipment be removed from the City streets by September 15, 1979.

Mr. M. Rusk, representing himself and six other vendors on Marine Drive, addressed Council to request a three-week extension of the closure of Marine Drive vending. Mr. Rusk stated that should this extension not be granted, the vendors will be required to dump produce presently on hand. He also stated that should Council approve the extension, the vendors will, at the expiry of the extended period, willingly move off Marine Drive.

Corporal Young, Vancouver Police Traffic Division, advised that he has not encountered any great problem with traffic generated by the vendors in this location.

Mr. D. Rudberg, Assistant City Engineer, stated that the Engineering Department is concerned over the traffic hazard in this location.

MOVED by Ald. Ford,

THAT with respect to the site on Southeast Marine Drive the City Engineer be instructed to withhold enforcement action under Section 66 of Street and Traffic By-law for three weeks.

- CARRIED

(The Mayor opposed)

* * * * *

Council recessed at 4:00 p.m. and following an "In Camera" meeting in the Mayor's Office reconvened in the Council Chamber at 4:20 p.m. with all the members present.

* * * * *

UNFINISHED BUSINESS

1. Hildon Hotel
50 West Cordova Street

Council on September 11, 1979 deferred consideration of a City Manager's report dated September 7, 1979 on the present condition of this Hotel to provide the operator an opportunity to respond to the contents of the report.

Mr. Morris, operator of the Hotel, addressed Council and advised that he is making an honest effort to maintain the premises to the best of his ability. He promised to keep and improve the hotel to the standards required by the City.

The Director of Permits and Licenses advised that very little progress has been made towards remedying the structural problem related to these premises.

MOVED by Ald. Rankin,

THAT the following recommendations of the City Manager be approved:

- A. The City Medical Health Officer proceed to take the necessary legal action to cause the building to be vacated. It is understood that the earliest date that such a notice could be made to expire is October 31, 1979.
- B. The City Council instruct the Director of Permits and Licenses to use his discretionary powers to order a complete upgrading of this building, if in fact the building owner proposes to continue to use these premises for housing purposes.

- CARRIED

(Ald. Boyce and Kennedy opposed)

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CITY MANAGER'S REPORTS

A. MANAGER'S GENERAL REPORT
SEPTEMBER 14, 1979

Building & Planning Matters
(September 14, 1979)

The Council considered this report which contains four clauses identified as follows:

- Cl. 1: Proposed Strata Title Conversion -
985 West 15th Avenue
Proposed Rezoning - 985 West 15th
Avenue and 3050 Oak Street
- Cl. 2: Strata Title Conversion Application
1605 - 1615 Maple Street
- Cl. 3: Notation of Development and
Building Permits with Reference
to Intended Strata Titling
Notice of Termination for Purpose
of Renovation
- Cl. 4: Amendments to the Subdivision
By-law No. 5208

Proposed Strata Title Conversion -
985 West 15th Avenue
Proposed Rezoning - 985 West 15th
Avenue and 3050 Oak Street
(Clause 1)

MOVED by Ald. Bellamy,
THAT the recommendation of the City Manager, as contained in
this clause, be approved.

- CARRIED UNANIMOUSLY

Strata Title Conversion Application
1605 - 1615 Maple Street
(Clause 2)

MOVED by Ald. Marzari,
THAT the recommendation of the City Manager, as contained in
this clause, be approved.

- (carried)

(Aldermen Bellamy, Ford and Puil opposed.)

(For further action on this clause see page 8/9.)

Notation of Development and
Building Permits with Reference
to Intended Strata Titling
Notice of Termination for Purpose
of Renovation
(Clause 3)

MOVED by Ald. Marzari,
THAT this clause, as contained in the City Manager's Report,
be received for information.

- CARRIED UNANIMOUSLY

Cont'd . . .

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CITY MANAGER'S REPORTS (Cont'd)

Building & Planning Matters
(September 14, 1979) (Cont'd)

Amendments to the Subdivision
By-law No. 5208
(Clause 4)

MOVED by Ald. Little,
THAT the recommendation of the City Manager, as contained in
this clause be approved.

- CARRIED UNANIMOUSLY

Finance Matters
(September 14, 1979)

Queen Elizabeth Theatre
Restaurant
(Clause 1)

When considering this clause Council noted a City Manager's
Report dated September 17, 1979, commenting on a further letter
received from the lessee of the Queen Elizabeth Theatre restaurant.

In response to the request contained in the letter from the
lessee the City Manager recommended:

- a) That if the restaurant expansion is not completed for
occupancy by June 1st, 1980, the City Manager be authorized
to extend the effective date of the lease amendment to
coincide with the date of occupancy.
- b) That Mr. Wisniewski's request for a 6 month grace period
not be granted.

MOVED by Ald. Little,
THAT the reports of the City Manager dated September 14, and
September 17, 1979, be received and no further action be taken
on this matter.

- CARRIED

(Alderman Harcourt and the Mayor opposed.)

* * *

Building & Planning Matters
(September 14, 1979) (Cont'd)

Strata Title Conversion Application
1605 - 1615 Maple Street
(Clause 2) (Cont'd)

At this point in the proceedings, because of a misunderstanding
on the part of some members of Council with respect to the action
taken, it was agreed to reconsider this matter.

Cont'd . . .

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CITY MANAGER'S REPORTS (Cont'd)

Building & Planning Matters
(September 14, 1979) (Cont'd)

Strata Title Conversion Application
1605 - 1615 Maple Street
(Clause 2) (Cont'd)

MOVED by Ald. Marzari,

THAT the Strata Title conversion application from Mr. G.M. Evans, solicitor for the owners of 1605 - 1615 Maple Street, to convert this existing six-unit apartment to Strata Title ownership be not approved on the basis that approval would contravene the letter and intent of those sections of the City's Strata Title conversion regulations designed to give tenants a voice in the conversion process.

- CARRIED

(Alderman Little and the Mayor opposed.)

* * *

Personnel Matters
(September 14, 1979)

Leave of Absence Without Pay
Mr. Lionel Pare, Firefighter,
Vancouver Firefighters' Union,
Local 18
(Clause 1)

MOVED by Ald. Rankin,

THAT the recommendation of the City Manager, as contained in this clause be approved.

- CARRIED UNANIMOUSLY

Property Matters
(September 14, 1979)

The Council considered this report which contains five clauses identified as follows:

- Cl. 1: Rent Review - Taylor Manor
951 Boundary Road
- Cl. 2: Rent Review -
1100 Block Quebec Street
- Cl. 3: Establishing Lot 5608 for Road
Purposes - Anderson Street
- Cl. 4: Sale of City-owned Property
S/S Cordova Street East of
Campbell Avenue Zoned M-2
- Cl. 5: Sale of City-owned Property
W/S of 4600 Nanaimo Street
Zoned RS-1

Clauses 1 - 5 inclusive

MOVED by Ald. Puil,

THAT the recommendations of the City Manager, as contained in clauses 1, 2, 3, 4, and 5 of this report, be approved.

- CARRIED UNANIMOUSLY

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CITY MANAGER'S REPORTS (Cont'd)

B. MANAGER'S REPORT
(September 12, 1979)

Summary Report - Cassiar and
Hastings Intersection

When considering this report Council noted a request from Mr. R.B. Pedersen that this matter be deferred to an evening meeting of Council on September 25, 1979. The City Manager advised that the Assistant City Engineer (Traffic) and his assistant will not be present for the Council meeting of September 25th, therefore it was

MOVED by Ald. Harcourt,

THAT the delegation request be approved and consideration of this report be deferred pending the hearing of the delegation; and

FURTHER THAT the necessary delegation arrangements be left in the hands of the Mayor.

- CARRIED UNANIMOUSLY

The Mayor instructed the City Clerk to contact the delegation to determine whether or not he would be agreeable to deferral of this matter to the evening meeting on October 2, 1979, for report back to him.

C. MANAGER'S REPORT
(September 14, 1979)

Grant Request - The Gastown
Galleria Market

Mr. J. Gift-Ellis, Gastown Planner, advised Council that he has discussed with Provincial Government representatives the likelihood of the Gastown Historic Area Co-ordinating Committee obtaining a grant from the Province towards the Gastown Galleria market and he is optimistic that funding will be forthcoming.

Mr. Pollock, member, Gastown Historic Society, addressed Council on this matter and also answered questions.

MOVED by Ald. Boyce,
THAT

- a) Council support the Gastown Historic Area Co-ordinating Committee's application to the Province for funding towards the Gastown Galleria Market.
- b) Council approve a \$100,000 grant on a loan basis, - subject to the following conditions:
 - the GHS obtaining the other required capital costs, including if necessary, private loans;
 - such private loans not to exceed in total \$100,000 and all repayable within not more than 5 years;
 - the City's loan accumulating interest at 12% per annum compounded;
 - the City's loan being repayable once any private loans have been repaid, at rates to be determined by the City at that time.

Cont'd . . .

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CITY MANAGER'S REPORTS (Cont'd)

MANAGER'S REPORT

(September 14, 1979) (Cont'd)

Grant Request - The Gastown
Galleria Market (Cont'd)

- c) Funds in the amount of \$6,000 be provided immediately to enable the design work to continue.
- d) The funds be provided from the 1979 Supplementary Capital Budget by increasing that fund from the estimated Surplus on Revenue Account.

- CARRIED BY THE
REQUIRED MAJORITY

(Alderman Puil opposed.)

D. MANAGER'S REPORT

(September 14, 1979)

BowMac Park

MOVED by Ald. Bellamy,
THAT the recommendation of the City Manager, as contained in this report, be approved.

- CARRIED

(Alderman Marzari opposed.)

E. MANAGER'S REPORT

(September 17, 1979)

Traham Developments Ltd. -
Strata Title Conversion
1902 Stephens Street

MOVED by Ald. Little,
THAT the recommendation of the City Manager, as contained in this report, be approved.

- CARRIED UNANIMOUSLY

RISE FROM COMMITTEE OF THE WHOLE

MOVED by Ald. Bellamy,
THAT the Committee of the Whole rise and report.

- CARRIED UNANIMOUSLY

MOVED by Ald. Bellamy,
SECONDED by Ald. Ford,
THAT the report of the Committee of the Whole be adopted.

- CARRIED UNANIMOUSLY

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BY-LAWS

1. A BY-LAW TO AMEND BY-LAW NO. 5208
BEING THE SUBDIVISION BY-LAW

MOVED by Ald. Harcourt,

SECONDED by Ald. Boyce,

THAT the By-law be introduced and read a first time.

- CARRIED UNANIMOUSLY

The By-law was read a first time and the Presiding Officer declared the By-law open for discussion and amendment.

There being no amendments, it was

MOVED by Ald. Harcourt,

SECONDED by Ald. Boyce,

THAT the By-law be given second and third readings and the Mayor and City Clerk be authorized to sign and seal the By-law.

- CARRIED UNANIMOUSLY

MOTIONS

- A. Allocation of Land for
Road Purposes
(District Lot 5608
Plan 6109)

MOVED by Ald. Rankin,

SECONDED by Ald. Little,

WHEREAS the City of Vancouver is the registered owner of District Lot 5608 Plan 6109;

AND WHEREAS it is deemed expedient and in the public interest to establish the above described lands for road purposes;

THEREFORE BE IT RESOLVED that District Lot 5608 Plan 6109 be and the same is hereby established for road purposes and declared to form and constitute portion of road.

- CARRIED UNANIMOUSLY

1. P.N.E. Parking

MOVED by Ald. Bellamy,

SECONDED by Ald. Little,

THAT WHEREAS the parking situation in the surrounding area of the P.N.E. continues to be of deep concern to the residents of the area;

AND WHEREAS the increased parking rate at the P.N.E. will further aggravate the situation;

AND WHEREAS the City Council has requested the Engineering Department to evaluate the present parking control measures in the neighbourhoods surrounding the P.N.E., including the development of possible alternative measures for controlling the parking;

Cont'd . . .

MOTIONS (Cont'd)P.N.E. Parking (Cont'd)

AND WHEREAS the parking study has been initiated by the Engineering Department and it is anticipated that a report will be available in October or November of this year:

THEREFORE BE IT RESOLVED THAT the Engineering Department examine the early implementation of the following alternative:

That the areas bounded by:

to the East - the West side of Boundary Road,
to the West - the East side of Nanaimo Street,
to the North - the waterfront,
to the South - the North side of Charles Street,

be designated as a restricted area, and as such be Permit Parking Only (P.P.O.) and that the appropriate windshield stickers be made available to all registered owners of vehicles in the area, as well as each house being supplied with two Hanger Cards for guests during any major P.N.E. event.

- CARRIED UNANIMOUSLY

2. Prostitution on City Streets

At the Council meeting of September 11, 1979, a Notice of Motion on Prostitution on City Streets was submitted by Alderman Little and recognized by the Chair. On the suggestion of Alderman Ford, Alderman Little requested and received permission to amend his motion.

It was therefore

MOVED by Ald. Little,
SECONDED by Ald. Bellamy,

THAT WHEREAS law enforcement against prostitution on our streets has been seriously hampered by the present wording of the Criminal Code of Canada;

AND WHEREAS the present measures being taken in this regard are very costly to maintain;

THEREFORE BE IT RESOLVED THAT the Vancouver City Council endorse the following resolution passed by the recent Annual Conference of the Canadian Association of Chiefs of Police:

"WHEREAS the provision of the Criminal Code of Canada, Section 195.1 relating to the offence of soliciting is inadequate in dealing with street prostitution, and

WHEREAS police forces are experiencing serious difficulties in dealing with the problem;

THEREFORE BE IT RESOLVED THAT Section 195 be amended by adding thereto Section 195.2 to read as follows:

195.2 For greater certainty

- (a) "Prostitution" in Section 195.1 means sexual conduct performed by either a male or female person;

Cont'd . . .

MOTIONS (Cont'd)Prostitution on City Streets (Cont'd)

- (b) "Public place" in Section 195.1 includes any means of transportation located in or on a public place; and
- (c) "Soliciting" need not be pressing or persistent conduct in order to constitute an offence under Section 195."
- (d) "Soliciting" includes action by both parties and not only the prostitutes.

- CARRIED

(Aldermen Harcourt, Marzari and Rankin opposed.)

Underlining denotes amendment

NOTICE OF MOTION

The following Notice of Motion was submitted by Alderman Harcourt, Seconded by Ald. Ford, and recognized by the Chair:

1. Multiplex Site

MOVED by Ald. Harcourt,
SECONDED by Ald. Ford,

THAT WHEREAS the Provincial and Federal Governments have tentatively committed only \$25.M and \$35.M, respectively, to a stadium - exhibit facility.

WHEREAS the Multiplex proposed at the P.N.E. will cost more than \$200.M and there is little likelihood of funding for a Multiplex.

WHEREAS plans are progressing for new agricultural facilities in the Fraser Valley at Langley and Cloverdale.

WHEREAS Vancouver City Council and G.V.R.D. support has been for a Multiplex only at the P.N.E. Hastings Park site.

THEREFORE BE IT RESOLVED THAT:

- 1. Council withdraw support for the Multiplex concept at the P.N.E.
- 2. Furthermore Council support the establishment of a Provincially appointed Stadium - Exhibit Facility Task Force to report back within ninety (90) days of formation on the viability, costs and benefits, cost sharing and construction timetable for a facility either at Hastings Park, False Creek or any other proposed location in the G.V.R.D.

- (Notice)

ENQUIRIES AND OTHER MATTERS

Alderman Harcourt

UTA Activities
August '78 - September '79

advised Council that the City Clerk had circulated today a memorandum from him to members of Council advising of the actions taken to date by the UTA to deal with Vancouver bus and transit improvements. This is in compliance with Council's resolution of January 16, 1979, that Council appointees to the UTA report to Council the details of any proposed transit contract.

Alderman Harcourt

North Side of False Creek -
New Marathon Realty Proposals

referred to the new redevelopment plans proposed by Marathon Realty for the north side of False Creek and requested that these be referred to the Planning and Development Committee for consideration.

The Mayor advised that his office had circulated a copy of Marathon's proposals to members of Council and suggested that Alderman Harcourt consider the contents of this letter and then bring the matter forward at the next meeting of Council.

Alderman Ford

Glad Tidings Temple

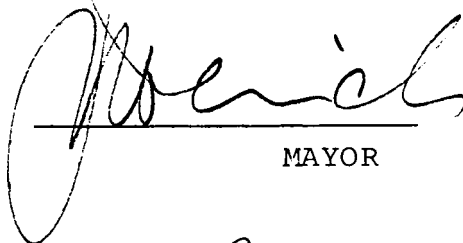
referred to information she had received that because of difficulties in obtaining the noted property the temple will not be providing a green space between its development and the neighbouring properties, and questioned if the temple still intends to include the day care centre in the development.

The Mayor directed the Director of Planning to submit a status report on this development.

The Council adjourned at approximately 5:50 p.m.

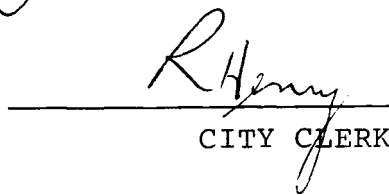
* * *

The foregoing are Minutes of the Regular
Council of September 18, 1979, adopted
on September 25, 1979.



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MAYOR



A handwritten signature in cursive script, appearing to read "R. Henry", is written over a horizontal line.

CITY CLERK

Manager's Report, September 14, 1979 . . . (BUILDING: A-4 - 1)

BUILDING AND PLANNING MATTERS

RECOMMENDATION

1. I. Proposed Strata Title Conversion -
985 West 15th Avenue
- II. Proposed Rezoning - 985 West 15th Avenue
and 3050 Oak Street

The Director of Planning reports as follows:

"An application has been received from Mrs. Judy K. Brown, owner of 985 West 15th Avenue (Lot 19, Blk. 456, D.L. 526, Plan 2118) to convert this existing five-unit apartment building to strata title ownership.

SITE DESCRIPTION

The site is zoned C-2 Commercial District, and an apartment building is a conditional approval use, provided that the Director of Planning is of the opinion that the site has unusual peculiarities of location which could make it unsuitable for a commercial use' (Section 3.2A, Zoning and Development By-law No. 3575). The use of this site for an apartment building was approved by the Board of Variance on January 4, 1929, under Appeal No. 262. The decision of the Board was as follows:

'As this property has been previously zoned for apartments, the rezoning of same for commercial purposes creates an anomaly, and permission was therefore granted for the erection of an apartment house provided same conforms to all other regulations of the Zoning and Building By-Laws.'

A four-unit apartment building was erected under Building Permit No. 32409 in 1930. In August, 1936 the apartment was altered to provide one additional dwelling unit in the basement. The lot immediately to the west of the site, located on the north east corner of 15th Avenue and Oak Street, is zoned C-2 and also developed with an apartment building, which was approved under a building permit issued in 1927.

The site has a frontage along West 15th Avenue of 15.240 m (50 feet) and a depth of 38.100 m (125 feet) for a total site area of 580.664 m² (6,250 square feet). See Appendix A for the location of the site.

APPLICANT'S SUBMISSION

The applicant has submitted the following information:

1. Letter of application
2. Plan of the 5-unit apartment building.
3. Written statements from the four tenants, agreeing to the proposed conversion. The applicant occupies the fifth dwelling unit.
4. Building Inspection Report from William R. Rhone, Architect (see Appendix B.)

Director of Permits and Licenses.

Inspections have been carried out at the above site to determine whether the apartment building substantially complies with relevant City By-Laws. In order to achieve this, the following deficiencies must be remedied:

'BUILDING.

1. Smoke alarms are to be installed in each unit.
2. Ladders forming part of the secondary exit from the 3rd storey are to be replaced with stairs.
3. All doors to suites from the hall on the 3rd storey are to be 1 3/4" solid core doors, complete with approved closers and latches.
4. The interior stairs must be fully enclosed in a shaft having a 3/4 hour fire resistance rating, with 1 3/4" solid core doors, complete with approved self-closing devices and latch sets.

Clause 1 continued

5. An access to exit is to be provided from the 1st storey dwelling unit to the exit at the rear of the building. The enclosing walls to have a 3/4 hour fire resistance rating.
6. The boiler is to be enclosed in a service room separated from the remainder of the building by a fire separation having a 1 hour fire resistance rating, complete with access door and with proper combustion air to be supplied.
7. A Building Permit is required for the above work.

The plumbing and gas installations and the electrical installations in the building are satisfactory.

Director of Social Planning

With regard to the occupancy of the building, the Director of Social Planning reports as follows:

'The Social Planning Department has no objections to the Strata Title Conversion application for 985 West 15th Avenue.'

Analysis

The Director of Planning reports that the history and the location of this site and the corner property are such that the commercial zoning is inappropriate. Therefore the proposed strata title conversion is acceptable, either within the existing C-2 zoning where an apartment building is a conditional approval use where the site has unusual peculiarities of location which would make it unsuitable for a commercial use, or within a multiple dwelling zone more in keeping with the actual use of the site.

Both Lots 19 and 20 (See Appendix A) have been developed with apartment uses since the late 1920s. There is no record of any attempt to redevelop these properties for commercial purposes. Discussions with the applicant indicate that a market survey on her part to determine the suitability of these two properties for commercial development concluded that commercial development was not practical.

The lots in question have a poor physical relationship with the existing commercial development to the south along Oak Street between 15th and 16th Avenues. Oak Street diverts approximately 20.117 m (66 feet) to the east between the intersection of 16th and Oak and the intersection of 15th and Oak. The apartment uses and the line of building development is more consistent with the residential apartments to the north than the commercial development to the south. As well, the existing commercial development is fairly successful and there is no strong evidence to suggest the need for expansion of that development.

Given the existence of apartments on both Lots 19 and 20 for 50 years, the Director of Planning recommends that the strata conversion of 985 West 15th Avenue be approved and both properties be rezoned from C-2 Commercial District to RM-3 Multiple Dwelling District. The upgrading of 985 West 15th Avenue which will be required before the necessary certificate can be issued will no doubt extend the life of the building. The actual physical form of development and uses are consistent with the development pattern along the east side of Oak Street to the immediate north of the site and the rezoning would reinforce that existing relationship. See the attached Appendix C plan for the present zoning situation in this area.

RECOMMENDATIONS

- I. That the Director of Planning, with the concurrence of the Director of Permits and Licenses and the Director of Social Planning, recommends that:

The Strata Title application be approved, thereby permitting the conversion of the premises at 985 West 15th Avenue (Lot 19, Block 456, D.L. 526), to strata title ownership, consisting of five strata title lots, subject to the following:

- 1) That a Certificate of Approval (Form 10) shall not be issued by the Approving Officer until this building substantially complies with the applicable City By-Laws to the satisfaction of the City Building Inspector, at no cost to the City; and

Clause 1 continued

II. The Director of Planning recommends that:

The Director of Planning be instructed to make application to rezone 985 West 15th Avenue (Lot 19, Block 456, D.L. 526, Plan 2118) and 3050 Oak Street (Lot 20, Block 486, D.L. 526, Plan 2118) from C-2 Commercial District to RM-3 Multiple Dwelling District and the matter be referred to a Public Hearing."

The City Manager RECOMMENDS that the foregoing recommendations of the Director of Planning be approved.

2. Strata Title Conversion Application -
1605 - 1615 Maple Street

The Director of Planning reports as follows:

"An application has been received from Mr. Garth M. Evans, solicitor for Yorkshire Trust Company, owners of 1605-1615 Maple Street (Lot 10, Block 205, District Lot 526), to convert this existing six unit apartment to strata title ownership.

BACKGROUND

This is the second proposed strata development recently brought to the attention of Council which has involved the notation of a building permit by a City staff member with a reference to an intended strata titling. Council dealt with and approved a similar application for 1902-10 Stephens Street at their meeting of August 28, 1979.

It is hoped that this is the last of such applications involving the controversial notation on the building permit. The Director of Planning has prepared a companion report to this which outlines a solution to the problem, entitled "Notation of Development and Building Permits with Reference to Intended Strata Titling".

SITE DESCRIPTION

The site is zoned RM-3A (Multiple Dwelling District) and an apartment building is an outright use, subject to the regulations of that Zoning District Schedule. City files indicate that a building permit was issued in October 1950 permitting the construction of a six-suite apartment building. On December 29, 1978 Development Permit Application No. 82974 was made, requesting permission to add bay windows to the east face of the existing building to provide seating areas, awnings over the existing entrances, an overheight fence in the required front yard and validation of the front and rear yards. There was no change to the parking situation where none is provided, or the floor space ratio. This Development Permit Application was approved on January 18, 1979, as it was felt that the alterations would improve the external appearance of the building, therefore providing some benefit to the area. Building Permit No. 93096 was issued on March 22, 1979. The reference to strata title units was added to that building permit on June 7, 1979. A copy of the amended permit is attached to the applicant's submission (Appendix C).

The site has a frontage along York Street of 15.240 m (50 feet) and a depth of 36.576 m (120 feet) along Maple Street for a total site area of 557.400 m² (6,000 square feet). There is an 5.486 m (18 foot) lane to the south of the site. See Appendix 'A' for the location of the site.

APPLICANT'S SUBMISSION

The applicant has submitted the following information:

1. Letter of application, dated August 9, 1979, attached as Appendix 'B'.

Manager's Report, September 14, 1979 . . (BUILDING: A-4 - 4)

Clause 2 continued

2. Statutory Declaration by two officers of Yorkshire Trust Company setting out the basis for their application, attached as Appendix 'C'. Attached to this letter are Exhibits A, B, and C:
 - (a) Exhibit A - Certificate of Indefeasible Title
 - (b) Exhibit B - Order for vacant possession obtained from the Rentalsman pursuant to Section 18(1)(g) of the Residential Tenancy Act
 - (c) Exhibit C - Building Permit No. 93096 with the notation "Strata Title Units".

Plans of the proposed conversion are attached to the approved Development Permit No. 82974.

DIRECTOR OF PERMITS AND LICENSES

With regard to the condition of the building, the Director of Permits and Licenses states that the renovations to the existing building were approved under Building Permit No. 93096 and would raise the building to conform with all relevant City By-Laws. If all work is completed in compliance with the approved Building Permit to the satisfaction of the Department of Permits and Licenses, the development is approvable for strata title conversion.

DIRECTOR OF SOCIAL PLANNING

The Director of Social Planning offered the following comments regarding the application at 1902-10 Stephens Street:

'Based on the available information, there is no means of determining at what point prior to May 15, 1979, Traham Developments Ltd. decided to convert their property at 1902-10 Stephens Street to Strata Title. However, this case, in which tenants were evicted to make way for major renovations under the provisions of the Residential Tenancy Act, and which is now before the City as a Strata Title Conversion application, represents a contravention of the letter and intent of those sections of the City's Strata Title Conversion Regulations designed to give tenants a voice in the conversion application process.

As approving authority, under Section 5 of the Strata Title Act, Council may, in approving or refusing a Strata Title Conversion Application, consider any matters in addition to those specified under Section 5, that, in its opinion, are relevant. Council may not wish to approve a conversion where the requirements for tenant approval under the City's Strata Title Conversion Regulations have been avoided.

The Director of Social Planning notes that approval of this application may encourage other owners interested in conversion to attempt a similar procedure and for this reason, the Director of Social Planning recommends that the application not be approved.'

The circumstances surrounding the application at 1605-15 Maple Street are no different and therefore the Director of Social Planning recommends that this application not be approved also.

CONCLUSION

The Director of Planning believes that the applicant has provided sufficient proof that the original intent of the proposed renovations were in order to maintain the development as rental accommodation. Certainly the Rentalsman, during the course of considering the dispute to the Notices of Termination,

Clause 2 continued

would have set aside such Notices if there was any intent at that time to strata title. Where Notice of Termination is given for the purposes of strata titling, municipal approval is necessary or the Notice is invalid. Given that the notice was considered necessary for renovation and the confusion which resulted from the notation on the building permit, the Director of Planning recommends that the strata conversion of 1605-1615 Maple Street be approved.

Regarding the comments of the Director of Social Planning, an important issue has been raised and it is hoped that the solution offered in the companion report "Development and Building Permits and Strata Title Notation" will ensure that providing Notice of Termination for renovations will not become an effective process of circumventing the City's Strata Title Conversion Regulations, specifically the need for tenant support.

RECOMMENDATION: The Director of Planning, with the concurrence of the Director of Permits and Licenses, and the Director of Legal Services, recommends:

That this application be approved, thereby permitting the conversion of the premises at 1605-1615 Maple Street (Lot 10, Block 205, District Lot 526) to strata title ownership consisting of six (6) strata lots, subject to the following conditions:

That a certificate of approval (Form 10) shall not be issued by the Approving Officer until:

- (i) the building substantially complies with the applicable City By-Laws to the satisfaction of the City Building Inspector at no cost to the City, or
- (ii) the applicant posts a bond for the total cost of completing (i) above.

The Director of Social Planning recommends that the application NOT BE APPROVED on the basis that approval would contravene the letter and intent of those sections of the City's Strata Title Conversion Regulations designed to give tenants a voice in the conversion process."

The City Manager notes that the changes outlined in the companion report will prevent repetition of this problem and he RECOMMENDS that the foregoing recommendation of the Director of Planning be approved.

INFORMATION

- 3. I. Notation of Development and Building Permits with reference to Intended Strata Titling
- II. Notice of Termination for Purposes of Renovation

The Director of Planning reports as follows:

"City staff have recently had to process two strata title conversion applications where applicants had proceeded with major renovations to existing buildings on the basis that they had received municipal approval for strata titling through a notation written on a building permit, only to learn subsequently that Council approval was required.

BACKGROUND TO THE PROBLEM

Strata titling requires certification by the Provincial Superintendent of Insurance. Because of the wording of Section 5 of the Strata Titles Act, the Superintendent in 1977 requested the City to show on a building permit whether or not the applicant intends to strata title the building.

Hence, since April 1977, the wording "Strata Title or Condominium Units" was inserted on the building permit, if the applicant so requests.

Clause 3 continued

This created no problems with permits for new buildings. Council does not get involved with these. Staff merely check that they conform with Zoning, Building and other City By-laws.

The problem arises where the notation is placed on a building permit for an existing and previously occupied building. Council has instituted certain conditions and guidelines for such strata conversion, and each application requires specific Council approval. Yet the owner or applicant believes that approval has been received from the City to strata title the development. This is exactly the situation dealt with in the case of 1902-10 Stephens Street and now being brought forward with the application for 1605-1615 Maple Street.

SOLUTION

The Strata Titles Act was amended in August, 1977, eliminating in Section 5 the reference to building permits. Further, there is no requirement for Council approval for the strata titling of a building which has not been previously occupied. Hence, the Director of Planning and the Director of Permits & Licenses have advised their staff that notations regarding intended strata titling will no longer be made. This action will be drawn to the attention of the Superintendent of Insurance. Staff of the Planning and Permits & Licenses Departments will initiate procedures to ensure that applicants for Development Permit or Building Permit applications involving substantial renovations to existing buildings are aware that if they wish to strata title such development, they will be required to obtain Council approval.

NOTICE OF TERMINATION FOR PURPOSE OF RENOVATION

While the Director of Planning has supported the two specific applications, a second and perhaps more important issue has been raised by the Director of Social Planning. An owner or developer could easily suppress his intent to strata title until after proper Notice of Termination has been given on the pretense that the building is simply going to be renovated, all in accordance with the Residential Tenancy Act. The owner then approaches the City for approval of strata title with a vacant building. The owner is taking somewhat of a risk in that it is not certain that Council will approve the conversion. However, it would seem appropriate to discuss this matter with the Rentalsman and discuss the possibility of a landlord who gives Notice of Termination on the basis that the building will undergo renovations having to enter into an agreement not to strata title the development for a fixed period of time, say, two or three years. The alternative would be for Council to refuse all such applications. It would be in the interest of the City and any owner contemplating such action, to have it made clear from the start that there is no effective procedure by which to circumvent the City's Strata Title Regulations.

CONCLUSION

The Director of Planning, the Director of Permits and Licenses and the Director of Social Planning will undertake the following actions in order to ensure that these problems are resolved:

- A. No further notation of building permits with reference to "Strata Title or Condominiums" will be made and that the Superintendent of Insurance will be advised that the City will no longer endorse building permits in this manner.
- B. The Director of Planning and the Director of Permits & Licenses will initiate procedures to ensure that applicants for Development and Building Permits are aware that they will require Council approval for the conversion of existing buildings from rental to strata title ownership; and

Clause 3 continued

- C. The Director of Planning and the Director of Social Planning will further discuss with the Rentalsman the possibility of a landlord circumventing the need to involve tenants in the City's approval process for strata title conversion, through renovation, and seek a resolution to this problem.

The Director of Planning submits the foregoing report for the information of Council."

The City Manager submits the foregoing report of the Director of Planning for the INFORMATION of Council.

RECOMMENDATION

4. Amendments to the Subdivision By-law No. 5208

The Director of Planning and Director of Legal Services report as follows:

"The Director of Legal Services has recommended that amendments be made to the Definitions Section of the Subdivision By-law to clear up uncertainty that exists and potential inconsistencies with Provincial Legislation.

The Land Registry Act's definition of subdivision is currently used by the City. This definition will change shortly when the Land Titles Act is proclaimed and replaces the Land Registry Act. The new definition of subdivision will not include consolidation. From the City's point of view it is desirable to continue to include consolidation in the definition of subdivision for the purpose of implementing the Subdivision By-law.

'Parcel' is currently defined in both the Vancouver Charter and the Land Registry Act. These definitions differ, and it is the opinion of the Director of Legal services that the Charter definition is more consistent with City policy.

Recommendation

The Director of Planning and Director of Legal Services recommend:

- A. That Subdivision By-law No. 5208 be amended to include the definition of 'Subdivision' as follows:

Whenever in this By-law words are used importing the subdividing or subdivision of land, those words shall be deemed to refer to the division of land into two or more parcels, whether by plan or by metes and bounds description or otherwise; except that the words "subdivision plan" shall so be deemed to include a plan consolidating two or more parcels into a single parcel.

- B. That Subdivision By-law No. 5208 also be amended to include the definition of 'parcel' as follows:

'Parcel' means any lot, block, or other area in which real property is held or into which real property is subdivided, but does not include a street, or any portion thereof;"

The City Manager RECOMMENDS that the recommendation of the Director of Planning and the Director of Legal Services be approved.

FINANCE MATTERSRECOMMENDATION1. Queen Elizabeth Theatre Restaurant

The City Manager reports as follows:

The attached report was before Council on August 28, 1979. Council took no action on options A, B or C in that report, and instead, deferred a decision on the proposed extension pending discussions between Mr. Wisniewski, the Mayor and the City Manager.

A meeting took place on September 12 and was also attended by Mr. Skrimshire (Civic Buildings) and Norman Young (Chairman of Civic Theatres' Board).

The possibility of scaling down substantially the proposed \$195,000 extension was explored, but it was concluded that this would not save very much money and produce a much less viable restaurant space.

Thereupon, discussion centered on whether Mr. Wisniewski could agree to a higher rental. Eventually, he agreed that if necessary he would accept an amendment to his lease effective June 1, 1980, increasing his rental by \$1,600/month (instead of by \$1,200 as previously agreed to) and also to make this rental a minimum guarantee, with the City getting more money if his business prospers.

The amended term in the lease would then read:

- (b) The rent during the three year renewal term commencing on June 1, 1980 shall be

either (i) monthly rent of \$4,700 during 1980
 monthly rent of \$5,200 during 1981
 monthly rent of \$5,700 during 1982
 monthly rent of \$6,200 during 1983

or (ii) ten per cent (10%) of the Lessee's gross
 income derived from the operation of the
 demised premises and the licensed areas -
 gross income shall not include income
 derived from sale of alcoholic beverages;

whichever is the greater in any month.

On the above basis, the Mayor and City Manager agreed to RECOMMEND proceeding with the extension.

FOR COUNCIL ACTION SEE PAGE(S) 84

MANAGER'S REPORT

A-7 (i)

September 17th, 1979

TO: Vancouver City Council

SUBJECT: Queen Elizabeth Theatre Restaurant
- Letter from Mr. Niki Wisniewski

CLASSIFICATION: RECOMMENDATION

The City Manager reports as follows:

In a telephone conversation on Friday, September 14th, 1979, and in the attached letter received on Monday, September 17th, Mr. Wisniewski makes a further request of Council.

The agreement outlined in Report A-7 has Mr. Wisniewski paying additional base rental commencing on June 1st, 1980. Mr. Wisniewski's new request is that his additional payments should not commence until 6 months following the completion date for the extension.

The Director of Civic Buildings estimates that if Council approval is obtained on September 18th to proceed with the extension, this will be completed for occupancy in May, 1980.

If for any reason the completion date is delayed beyond June 1st, 1980, then it is reasonable to defer the effective date of the increased rental until the restaurant extension is complete.

However, I do not consider it reasonable to grant Mr. Wisniewski a grace period of 6 months before increased payments commence. The City is already being asked to put up \$195,000 in return for revenues which will probably amortize only \$150,000. The new request is to forego the first \$9,600 of these revenues.

In response to the latest request from Mr. Wisniewski, the City Manager RECOMMENDS:

- (A) That if the restaurant expansion is not completed for occupancy by June 1st, 1980, the City Manager be authorized to extend the effective date of the lease amendment to coincide with the date of occupancy.
- (B) That Mr. Wisniewski's request for a 6 month grace period not be granted.

PERSONNEL MATTERS

RECOMMENDATION

1. Leave of Absence Without Pay - Mr. Lionel Pare, Firefighter, Vancouver Firefighters' Union, Local 18

The Director of Personnel Services reports as follows:

"A request has been received from the Secretary of the Vancouver Firefighters' Union, Local 18, that Mr. Lionel Pare, Firefighter, be granted a leave of absence without pay commencing October 1, 1979, for the purpose of conducting Union business as President on a full time basis. It has been the City's general policy in the past to approve similar requests by this and other Unions. The Fire Chief is in agreement that the request be approved.

I, therefore, recommend that Mr. Lionel Pare, Firefighter, be granted leave of absence without pay, commencing October 1, 1979, until further notice."

The City Manager RECOMMENDS that the foregoing recommendation of the Director of Personnel Services be approved.

MANAGER'S REPORT, SEPTEMBER 14, 1979 (PROPERTIES: A9 - 1)

PROPERTY MATTERS

RECOMMENDATIONS

1. Rent Review - Taylor Manor
951 Boundary Road

The Supervisor of Properties reports as follows:

"City Council, on February 8, 1977, approved a five year lease of Taylor Manor to the Vancouver Resources Board from January 1, 1977, at an annual rental of \$27,840.00 with provision for a rental review after every 2½ years.

Upon the disbanding of the Vancouver Resources Board, City Council, on August 29, 1978, approved continuing the same rental arrangements with the provincial Ministry of Health.

These rental arrangements included an option to renew for a further five years from January 1, 1982, with rental review after 2½ years. As a basis of rental review, increases to be no greater than general increases in the Vancouver area. In addition, the Ministry of Health agreed to pay all staff and operating costs including some capital expenditures for necessary improvements to the building, plus required replacements of furniture and equipment.

As a result of these arrangements, although the City collects no property taxes from Taylor Manor, the City does not incur any costs regarding the operation of this facility.

Following negotiations with the Ministry of Health, they have agreed to a yearly rental of \$32,000.00 per annum for the period July 1, 1979 to December 31, 1981. This new rental is considered to represent general increases in the Vancouver area since January 1977.

Recommended that a lease be drawn on the foregoing basis to the satisfaction of the Director of Legal Services and Supervisor of Properties. Such lease to include an option to renew for five years from January 1, 1982 with rental review after 2½ years."

The City Manager RECOMMENDS the foregoing recommendation of the Supervisor of Properties be approved.

2. Rent Review -
1100 Block Quebec Street

The Supervisor of Properties reports as follows:

"City Council on October 19, 1971, authorized the City Engineer, Director of Legal Services and the Supervisor of Properties to enter into various agreements with Deeks-McBride (LaFarge Concrete Ltd.) in connection with the protracted negotiations to obtain the land necessary for construction of the Columbia-Quebec Connector.

The lease agreement authorized a lease to LaFarge Concrete Ltd. of approximately 1.089 hectares (2.69 acres) of land filled water area located at the easterly end of False Creek. The term is for twenty years, from October 1, 1973, with a right of renewal for a further term of twenty years, with the rental to be reviewed every five years and the first review date was October 1, 1978.

MANAGER'S REPORT, SEPTEMBER 14, 1979 (PROPERTIES: A9 - 2)

Clause No. 2 cont'd:

After extended negotiations, they have now agreed to a rental increase from \$19,920 per year plus taxes to \$50,400 per year plus taxes. (Taxes were approximately \$24,000 in 1979.)

In view of the foregoing, the Supervisor of Properties recommends that the aforementioned portion of Lot 6, D.L. 2037 be rented to LaFarge Concrete Ltd. at a rental of \$50,400 per year plus taxes for the period of October 1, 1978 to September 30, 1983. The remaining terms and conditions of the lease to still apply."

The City Manager RECOMMENDS that the foregoing recommendation of the Supervisor of Properties be approved.

3. Establishing Lot 5608 for road purposes - Anderson Street

The Supervisor of Properties reports as follows:

"District Lot 5608, Plan 6109 situated at the south end of Granville bridge and known as Anderson Street provides access to Granville Island. The Provincial Government has recently conveyed this property to the City of Vancouver by way of Crown Grant No. 9233/1163 for Highway & Public Utility servicing purposes only. The City Engineer has requested that this property be formally established for road purposes.

It is therefore recommended that District Lot 5608, Plan 6109 be established for road purposes and the Formal Resolution establishing the same and submitted concurrently with this report be passed by Council."

The City Manager RECOMMENDS that the foregoing recommendation of the Supervisor of Properties be approved.

4. Sale of City-owned Property
S/S Cordova St. East of Campbell Avenue
Zoned M-2

The Supervisor of Properties reports as follows:

"The following offer to purchase City-owned property has been received by the Supervisor of Properties as a result of the City's call for tenders advertised under the authority of the Property Endowment Fund Board. The offer is considered to be favourable to the City and is hereby recommended for acceptance.

Lots 11, 12, 13, and 14, Block 62, D.L. 181, Plan 196
S/S Cordova Street East of Campbell Avenue - Zoned M-2

<u>Purchaser</u>	<u>Approx. Size</u>	<u>Sale Price</u>	<u>Terms</u>
Pilkington Metal Marine Ltd.	7.62m x 37.2m (25' x 122') each lot	\$155,500 net	City terms @ 13%

Subject to consolidation of the lots into one site."

The City Manager RECOMMENDS that the foregoing recommendation of the Supervisor of Properties be approved.

5. Sale of City-owned Property
 W/S of 4600 Nanaimo Street
 Zoned RS-1

The Supervisor of Properties reports as follows:

"The following offer to purchase City-owned property has been received by the Supervisor of Properties as a result of the City's call for tenders advertised under the authority of the Property Endowment Fund Board. The offer is considered to be favourable to the City and is hereby recommended for acceptance.

Lot B, Block N, D.L. 393, Plan 17729
W/S of 4600 Block, Nanaimo Street - Zoned RS-1

<u>Purchaser</u>	<u>Approx. Size</u>	<u>Sale Price</u>	<u>Terms</u>
Yuen-Wai Fung	33.39'/32.9' x 110.98'/116.88'	\$37,110	City terms @ 13%

Subject to Bulkhead Agreement in favour of the City as the lot is below street level."

The City Manager RECOMMENDS that the foregoing recommendation of the Supervisor of Properties be approved.

FOR COUNCIL ACTION SEE PAGE(S) 85

September 12, 1979

TO: Vancouver City Council

SUBJECT: Summary Report - Cassiar and Hastings Intersection

CLASSIFICATION: RECOMMENDATION

The City Manager reports as follows:

Background

On August 17, 1979, members of Council and representatives of the Vancouver Heights Citizens Committee met with the Minister of Highways and his officials to discuss improvement of Cassiar Street as a connection between the 2nd Narrows Bridge and the Freeway.

The Minister indicated that he recognized some responsibility for solving the problem, and that his engineers are studying long-term solutions, concentrating on the development of a grade-separated connection west of the existing Cassiar Street.

At the same time, the Vancouver Heights Citizens Committee proposed some short term solutions (Appendix I of City Engineer's report).

The purpose of this report is to review the status of the current Provincial proposals for a long-term solution to the traffic problems in the Cassiar corridor and to review possible options to provide short-term solutions.

Findings

Cassiar Street, between the end of the freeway and the Second Narrows Bridge, is the busiest street in Vancouver and has been a continuing traffic problem for a number of years. Existing traffic volumes of 60 000 vehicles per day cannot be accommodated, particularly through the Cassiar/Hastings intersection, resulting in excessive traffic using local streets for bypass routes.

City Council has asked the Province several times to develop a permanent solution to this missing link of the Trans-Canada Highway. The Province has recently announced that it is proceeding with engineering design studies, with anticipated commencement of construction at an early date. Completion of this link will enable complete exclusion of through traffic from local streets.

A number of short-term options have been investigated, with the objective of improving corridor capacity so as to provide immediate relief to local streets. The two alternatives proposed by the neighbourhood committee do not, in isolation, improve conditions at Cassiar and Hastings. However, combined with other improvements, it may be possible to remove most of the traffic from purely local streets. These other improvements are either widening of Cassiar for a short distance, or construction of a jughandle at Hastings.

Before implementation of one of these short-term options could proceed, several other concerns would have to be resolved:

- (a) lease cancellations would have to be negotiated on the required land;
- (b) a source of funds would have to be found, amounting to \$125-220 000 for construction only (most or all of the property required is currently City-owned);
- (c) the interim measure would have to be made compatible with construction arrangements on Cassiar (presently not known in detail);
- (d) a detailed traffic management plan for local streets would have to be prepared;
- (e) Burnaby would have to implement measures to expedite Hastings Street traffic.

It is not possible by means of any such interim measure to remove traffic from Cambridge overpass (a long-established through street and bus route), or Skeena Street north of Cambridge (a Provincial access road).

The problems surrounding Cassiar Street are very serious and should be rectified. They have existed, however, for fifteen years, and a permanent solution appears to be at hand, based on recent Provincial statements. In view of the obstacles facing implementation of further interim solutions, it is more appropriate to await completion of the Highway link before closing off local streets.

RECOMMENDATION

Based on the foregoing, it is **recommended**:

- A. THAT the Minister of Highways be thanked for his assistance to date, and be requested to begin discussions on detailed design immediately with a view to completing the Cassiar connection as soon as possible;
- B. THAT Cambridge overpass and Skeena Street north of Cambridge not be closed;
- C. THAT physical barriers not be placed across local street ends at Cassiar.

If Council wishes to explore the implementation of short-term measures to eliminate through traffic with prohibitive signing, recognizing the potential short-term nature of the investment, it is further **recommended**:

- D. THAT prohibitive signing eliminating through traffic on the local streets (Oxford to Franklin) be installed as soon as capacity improvements can be constructed at Hastings, preferably the lane widening of Cassiar;
- E. THAT the City Engineer be instructed to discuss with Highways officials how the above temporary changes can be made compatible with the construction arrangements for a permanent improvement;
- F. THAT the Supervisor of Properties be authorized to negotiate the termination of leases, and acquisition of property where necessary;
- G. THAT the City Engineer and Supervisor of Properties report back within 2 months on (E) and (F) and the Director of Finance report at the same time on potential source of funds for the required work (approximately \$125 000 plus property costs)."

The City Manager RECOMMENDS approval of the foregoing recommendations of the City Engineer.

FOR COUNCIL ACTION (SEE PAGE(S) 86)

C 107

MANAGER'S REPORT

September 14th, 1979

TO: Vancouver City Council

SUBJECT: Grant Request - The Gastown Galleria Market

CLASSIFICATION: Consideration/Recommendation

The Director of Finance reports as follows:

"On August 31, 1979, the Gastown Historic Area Co-ordinating Committee submitted a proposal to develop a permanent market in the Gastown area and requested a City grant of \$100,000 towards the capital cost of the market structure (copies of the proposal and grant request have been distributed to Members of Council). In addition the Society asked for Council's support of the Society's application for provincial funding.

The proposal of the Gastown Historic Committee (GHS) has evolved from the recently closed Gastown Fishermen's Market. The GHS believes that there is an adequate level of demand to support a properly managed, located, and designed facility taking into account the knowledge and experience gained from the operation of that experimental market. They would like to build and operate such a facility.

Generally, the GHS proposes to acquire (by lease with option to purchase) a vacant site in the eastern half of the Gastown Historic Area. They would then cover the market area with a glass roof to provide approximately 10,000 sq. ft. of environmentally protected space which could house 24 serviced and 12 unserviced market modules. A feature of the concept is that it could provide a flexibly sized marketing area consistent with the seasonality of a foodstuffs market operation.

The Gastown Historic Society believes that, with their proposed sources of capital funding, the market would be economically viable. They are proposing that, of the total of \$600,000 capital funding required, \$100,000 take the form of a privately financed loan, \$100,000 a City of Vancouver Grant and \$400,000 a Province of B.C. Grant. The Society believes that there will be an adequate level of demand to maintain an average 90% occupancy level in the serviced modules. With the gross rents for these stalls at approximately the same level as they were in the former market (\$23-25/module/day), the market could operate with an annual profit of approximately \$24,000. Occupancy of the serviced modules could drop to 80 per cent without putting the market into a loss position. Table 1 briefly summarizes the operating estimates for the market under 100 per cent, 90 per cent and 80 per cent occupancy rates.

TABLE 1

ANNUAL OPERATING ESTIMATES

REVENUES

24 serviced modules @ \$23.31/day (gross)	(100%)	(90%)	(80%)
100% occupancy	\$201,400		
90% "		\$181,300	
80% "			\$161,100
12 unserviced modules @ \$25.00/day (gross)			
10% occupancy	<u>10,800</u>	<u>10,800</u>	<u>10,800</u>
Total Revenue	<u>\$212,200</u>	<u>\$192,100</u>	<u>\$171,900</u>

EXPENSES

Land Lease	24,000	24,000	24,000
Repay Bank Loan to GHS (14%/5 Yrs./\$100,000)	29,100	29,100	29,100
Property Taxes	20,000	20,000	20,000
Business Taxes	9,000	9,000	9,000
Common Area Maintenance	22,000	22,000	22,000
Management	28,000	28,000	28,000
Promotion	<u>36,000</u>	<u>36,000</u>	<u>36,000</u>
Total Expenses	<u>\$168,100</u>	<u>\$168,100</u>	<u>\$168,100</u>

ANNUAL OPERATING SURPLUS	<u>\$ 44,100</u>	<u>\$ 24,000</u>	<u>\$ 3,800</u>
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This Table demonstrates that the market, given the levels of demand estimated by the GHS, could be a viable and profitable commercial enterprise that could perhaps be funded by the private sector. However, due to the risks associated with such a project, it is unlikely that private financing could be obtained.

Therefore if Council is of the opinion that a market as proposed is of some benefit to the City as well as the Society it could also consider giving the Society a grant.

In light of the potential for this operation to generate a profit, consideration could be given to stipulating that the City grant be repaid in the event that profits ensue. It is the opinion of the Director of Finance and the Director of Legal Services that due to the risk involved in this project that the contribution by the City must be considered technically as a grant even though there is a payback provision.

In consideration of the loan vs. grant alternatives, it is our understanding should the City choose to loan funds to this project, that this could jeopardize the possibility of obtaining the proposed \$100,000 of private sector funding. The GHS has advised us that the lending institutions would wish an adequate surplus on operating revenues and a minimally encumbered equity before they would lend any funds. A City loan to the project might affect both of these areas and may deter the banks from participating. For this reason, it is suggested that if the City is considering loaning money to this project, the City's loan be repaid only after repaying the \$100,000 that was going to be borrowed privately. Representatives of the GHS will be available in Council to answer questions.

In light of the above, there appear to be three options open to Council:

1. No Financial Contribution - Council may choose to make no contribution towards the capital costs of the market facility.

In all probability it is unlikely the GHS would receive any Provincial funds without some civic participation. It is not expected that the facility would be developed by solely private financing sources.

2. City Grant of \$100,000 - Council may choose to make a \$100,000 capital grant towards the construction cost of the Galleria Market.

It is expected that such an indication of Council's support of the market would substantially assist the GHS in its approaches to the Province.

3. City Grant (on a loan basis) of \$100,000 - Council may choose to loan the GHS the \$100,000 but agree that repayments commence only once the private loan has been repaid. Our review of the economics of the project indicate that if the demand is adequate to maintain 85-90 per cent occupancy, revenues would be sufficient to repay all loans within ten years. This option would provide the City with the opportunity to recover its contribution in the event that this venture proved to be viable.

This option might reduce the Province's willingness to make a grant to the project.

The GHS justifies its grant request on the basis of the benefits that will result from the operation of a market in this area. These benefits mainly result from the economic activity that the market could stimulate. In addition, however, the GHS states that a general benefit will result from the Society's use of any market profits to improve the Gastown area.

Due to the operational requirement to have this facility completed and open by June 1, 1980, the Society must proceed with design work concurrently with its efforts to secure funding. If they are to engage an architect to undertake design works while they await a decision from the Province, they require \$6,000 of the City's contribution immediately.

The Director of Finance advises that should Council decide to contribute funds to this project, that funds will be provided from the 1979 Supplementary Capital Budget which would be increased by transferring the funds approved from the Surplus on Revenue Account.

CONSIDERATION AND RECOMMENDATION

- (A) The Director of Finance submits for Consideration the request that Council support the Society's application for Provincial funding.
- (B) The Director of Finance submits for Council's Consideration the choice between the following options:
 - (1) No City contribution
 - (2) A \$100,000 grant to be subject to the GHS obtaining the other required capital costs;
 - (3) A \$100,000 grant on a loan basis, - subject to the following conditions:
 - (a) the GHS obtaining the other required capital costs, including if necessary, private loans
 - (b) such private loans not to exceed in total \$100,000 and all repayable within not more than 5 years
 - (c) the City's loan accumulating interest at 12% per annum compounded
 - (d) the City's loan being repayable once any private loans have been repaid, at rates to be determined by the City at that time.

If Council chooses Option (2) or (3), it is recommended that:

- (C) Funds in the amount of \$6,000 be provided immediately to continue the design work;
- (D) Funds to be provided from the 1979 Supplementary Capital Budget by increasing that fund from the estimated Surplus on Revenue Account. "

The City Manager submits Recommendations (A) and (B) for CONSIDERATION and, if City funding is approved, RECOMMENDS approval of Recommendations (C) and (D).

86,87

September 14th, 1979

TO: Vancouver City Council

SUBJECT: BowMac Park

CLASSIFICATION: RECOMMENDATION

BACKGROUND

On December 12th, 1978, Council allocated \$90,000 for demolition of existing structures and initial park improvement. About \$40,000 of this was available for the park construction and a start on this was made by December 31st, 1978.

On February 5th, 1979, the Park Board asked Council to let them develop the site, with the advice of City departments and adjacent property owners, and requested an additional \$180,000 for the development, to allow opening to the public in 1979.

On February 20th, 1979, Council approved the Park Board's involvement with consultations, but referred the additional funding to the Finance & Administration Committee.

On April 20th, 1979, the Parks Board presented a detailed plan to the adjacent Property Owners which received a "generally favourable reaction" and, to City officials. The Board reiterated the request for the additional \$180,000. Due to a subsequent correction on the sidewalk costs, that figure should have been \$190,000, - for a total cost (including the previously committed \$40,000) of \$230,000.

On May 15th, 1979, Council approved the concept plan and allocated the additional \$190,000 from the Downtown Improvement Reserve.

On July 9th, 1979, the design was considered by the Development Permit Board. The Board heard objections from the Urban Design Panel and others and did not approve the concept as submitted.

The Vancouver City Planning Commission also wrote to Council recommending new guidelines and a new public design process.

On July 24th, 1979, Council decided to abandon the more elaborate concept and advised the Park Board that it favours the installation of a temporary park (grass and trees) on the Bowmac site and further that \$75,000 be allocated for this purpose to be taken from the monies previously allocated by Council for this park.

On August 27th, 1979, the Park Board did not approve the \$75,000 design, but instructed staff to meet with adjacent landowners to review both designs and discuss criticisms of the Urban Design Panel.

This meeting took place on September 5th, 1979 with the participants listed in Appendix "A".

The property owners were unanimous in:

- (1) Rejecting the \$75,000 design
- (2) Reiterating their support for a design similar to the previous \$230,000 scheme.
- (3) Advising that the design disagreements could be resolved within a matter of weeks.
- (4) Urging Council to get on with the job of eliminating what is now a very expensive eyesore, and for which they are now paying a sizable assessment.

On September 10th, 1979, the Parks Board was informed of the foregoing, and requested their Chairman and their Superintendent to meet with the Mayor and City Manager, to seek a speedy resolution. This meeting took place on September 11th, 1979.

RECOMMENDATION

In view of the above facts and the strong and united views of the adjacent property owners, the Mayor and City Manager agreed to RECOMMEND that Council:

- (A) Rescind its motion of July 24th, 1979 favouring a temporary \$75,000 park;
- (B) Request the Planning Department and Parks Board officials to work together to seek a speedy agreement on a design which will also satisfy the adjacent Property Owners, Parks Board and the Development Permit Board.
- (C) Direct officials to ensure that the design can be constructed within funds previously authorized, (totalling \$230,000), and that the Park can be opened to the public in time for use during the summer of 1980.

FOR COUNCIL ACTION SEE PAGE(S) 87

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MANAGER'S REPORTDATE September 17, 1979

TO: Vancouver City Council
SUBJECT: Traham Developments Ltd. - Strata Title Conversion
1902 Stephens Street
CLASSIFICATION: RECOMMENDATION

The Director of Planning, City Building Inspector and the Director of Legal Services report as follows:

"On August 28, 1979 Council approved an application for the conversion of the above-mentioned premises to strata lots.

The building is undergoing major renovations before the strata lots will be marketed. One of the conditions laid down by Council required the posting of a performance bond to ensure ultimate compliance with City by-laws, and the Form 10 approval was not to be issued until that was done. The mortgage company, which is financing the project, will not advance any more draws until stratification is complete. The developer is a new company and it is unlikely that it can obtain a bond. We, therefore, have a chicken and egg situation. No performance bond - no approval form - no approval form - no money on the mortgage to complete the job.

The developer has suggested that he is prepared to enter into a registerable restrictive covenant under Section 24A of the Land Registry Act. The substance of the covenant would be to prohibit occupancy until the building renovations are completed to the satisfaction of the City Building Inspector.

The above suggestion would appear to be the only practical way to break the deadlock, and your officials are prepared to recommend it as a solution instead of the requirement to post a bond. It will prevent any occupation until completion. "

The City Manager RECOMMENDS that the foregoing recommendation of the Director of Planning, City Building Inspector and the Director of Legal Services be approved.

FOR COUNCIL ACTION SEE PAGE(S) 87